S.B.CRIMINAL MISC. BAIL APPLICATION NO.4801/2007
(Lala alias Gori Shanker vs. State of Rajasthan)

DATE OF ORDER : September 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Mukesh Rajpurohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned. I have also gone through the FIR.

It is contended by the learned counsel for the petitioner that main accused Narain Das, who inflicted repeated injuries by sword, has been granted bail under section 438 Cr.P.C. by a Co-ordinate Bench of this Court vide order dt. 27.7.2007 in S.B.Cr.Misc. Bail Application No.3475/2007. There is no allegation against the present petitioner causing any injury to the injured persons.

From perusal of the order impugned, it appears that the allegation against the present petitioner is that he caught one of the injured persons, however, there is no allegation of causing any injury against him.

Looking to the facts and circumstances of the case and the fact that co-accused Narain Das, who inflicted repeated injuries to the injured persons, has been granted anticipatory bail, I

consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by the petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Lala alias Gori Shanker s/o Kishan Gopal in FIR No.157/2007, Police Station, Naya Shahar, Distt. Bikaner, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-